

**Before the
Federal Communications Commission
Washington, D.C. 20554**

WC Docket No. 11-50

In their response to the FCC's request for comments, AT&T contends that Congress used the term "initiate" in 227(b), and the term "on behalf of" in 227(c), and that therefore Congress must have intended different meanings for those terms. But Congress did not use only the term "initiate" in 227(b). Congress used the term "make" in 227(b)(1)(A), the term "initiate" in 227(b)(1)(B), and the term "send" in 227(b)(1)(C).

Would AT&T suggest that Congress intended different meanings or interpretations for the terms "make", "initiate", and "send"? After all, Congress could have used the same word in all three places in 227(b). Did Congress intend that those who "make" calls to cellular telephones using automatic telephone dialing systems must be defined differently from those who "initiate" such calls and from those on whose behalf such calls are made? Did Congress intend that those who "initiate" prerecorded telephone solicitations to residential telephone lines must be defined differently from those who "make" such calls and from those on whose behalf such calls are made? Did congress intend that those who "send" unsolicited advertisements by fax must be defined differently from those on whose behalf such faxes are sent? Congress may have used the terms "make", "initiate", "send", and "on behalf of", but Congress did not define what it meant by those terms. An interpretation that forces each of these four terms to be defined differently simply doesn't make any logical or practical sense.

The FCC has already defined the term "sender" at 47 CFR 64.1200(f)(8) as follows:

"The term sender for purposes of paragraph (a)(3) of this section means the person or entity on whose behalf a facsimile unsolicited advertisement is sent or whose goods or services are advertised or promoted in the unsolicited advertisement."

I believe that the FCC should define the term "initiator" in a similar manner as follows:

"The term initiator for purposes of paragraph (a)(1) and (a)(2) of this section means the person or entity on whose behalf a call was made or initiated or whose goods or services were advertised or promoted by the call."

In addition, I believe that the FCC should treat the potential liability of voice broadcasters in the same way that the FCC treats the potential liability of fax broadcasters. (Junk Fax Prevention Act of 2005, CG Docket No. 05-338, Report and Order and Third Order on Reconsideration, Adopted: April 5, 2006, Released: April 6, 2006)